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Commonwealth of Massachusetts
Division of Professional Licensure
Office of Public Safety and Inspections
Architectural Access Board

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BUSINESS REGULATION

CHARLES BORSTEL
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

THOMAS HOPKINS
EXECUTIVE DIRECTOR

Board Meeting Minutes – September 10, 2018 9:00 a.m.
One Ashburton Place, 21st Floor, Conference Room 3

Present Board Members:

- Jane Hardin (JH)
- Evan Bjorklund (EB)
- Dawn Guarriello (DG)
- David Johnson (DJ)
- Patricia Mendez, (PM)

Also in Attendance:

- John High, Assistant Legal Counsel (JH)
- Thomas Hopkins, Executive Director (TH)
- Karen Brann, Program Coordinator/Clerk for the Board (KB)

Board Members not in Attendance:

- Walter White (WW)
- Andrew Bedar (AB)
- Ray Glazier (RG)
- Harold Rhodes (HR)

JH – PM, DG, David Johnson, EB

The Chair opened the meeting.

Incoming Case Review:

1) Beverly Golf and Tennis Club, 134 McKay Street, Beverly, V11-231, C11-080

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The petitioner is seeking a time extension until May 1, 2020 for three items - no accessible stall in basement level men's locker room, head clearance in toilet room basement level men's – width 26.5, door foyer to corridor item #27 – condition of auto door opener.

The petitioner has resolved 85 accessibility issues.

*DG motioned to grant on the condition there are no further extensions.
EB seconded, passed unanimously.*

2) The Jared Coffin House, 29 Broad Street, Nantucket, V18-289

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Three story building plus basement, transient lodging facility. Spending \$1.8 mill to make building with a higher level of access. Will have accessible guest rooms, etc. A lift will serve the Tap Room. The Tap Room in the basement has been closed but now they have a solution for accessibility. Will add 5 guest rooms on the ground floor.

#1 Tap room - seeking relief from 25.1 for three existing entrances to leave them as is (there are 5 entrances) Commission supports the variance on the condition of signage stating where the lift is and parking space and aisle are properly striped.

EB motioned to grant, DJ seconded, passed unanimously.

#2 28.12.1 vertical wheel chair lift for Tap Room.

DG motioned to grant. PM seconded, passed unanimously.

#3 Vertical access in remainder of the building condition the of construction documents in their documentation. There are accessible rooms on the first floor.

EB motioned to grant. DG seconded, passed unanimously.

4 27.1

Will provide wall side handrail

DG motioned to grant with a wall side handrail. DJ seconded, passed unanimously.

3) Nashua House, 9 David Healy Way, Oak Bluffs, V18-293

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

16 room hotel with 1 innkeeper apartment, 1 retail.

Renovations, AAB jurisdiction is 3.3.2, full compliance

Seeking relief from 25.1 and 29.1 access to entrance and porch on Park Avenue.

First floor will have accessible guestrooms. The petitioner will install signage locating accessible entrance.

DG motioned to grant on 25.1 and 29.1 with the condition of appropriate signage.

EB seconded, passed unanimously.

Vertical access on the second and third floor.

EB motioned to grant. DJ seconded, passed unanimously.

4) Shawsheen Elementary School, 18 Magnolia Avenue, Andover, V18-198

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The petitioner is replacing the lift. 28.12.5a, platform size. Shy of the requirements. The Board previously asked for additional info on where the lift could be put in the school. Petitioner wrote to the Board with the requested information.

DG motioned to grant PM seconded, passed unanimously.

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

5) Apollonia Enterprises, LLC, dba Fuel America, 100 Front Street, Worcester, V18-294

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Existing tenant space. Tenant fit out. Over 30%, full compliance for common areas in building and restaurant. They are putting in a new door. Ramp already exists. Vestibule and stairs need to comply. Will lose 12 to 15 seats.

DG motioned to continue for a plan with compliant stair and vestibule and information on the 12 seats that they are losing. EB seconded, passed unanimously.

6) Brattle Hall, 40 Brattle Street, Cambridge, V18-274

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The case was first brought to the Board on 8/27. 20.7 headroom height 80 inches. Revised plan was submitted. Based on new design head height issue has been removed by relocating the sink.

DG motioned to grant on revision #2. David Johnson seconded, passed unanimously.

7) Dollar Tree, 286 Pleasant Street, Worcester, V18-279

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Tenant space interior fit out. Over 30%. 26.6.1 level landing at front entry. Proposing an auto door opening.

EB Motioned to grant with condition of interior and exterior actuator buttons. DG seconded,

8) Old Reading School House, 52 Sanborn Street, Reading, V18-084

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Previously before the Board. Handrails at front entry is the only outstanding issue.

Petitioner completed a ramp and lift study.

DG motioned to grant on the handrails and to be installed by the issuance of Certificated of Occupancy.

PM seconded, passed unanimously,

9) Pakachoag Acres Day Care Center, 308 Millbury Avenue, Boston, V18-287

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

3.2 new construction. Asking to use a LULA instead of an elevator.

DG motioned to grant relief for 28.12.3 to allow a LULA cab size of 48" x 54" on the condition that the equipment meets all requirements of 521 CMR section 28.12.3 and that the automatic entry door is located on the 48" dimensional cab wall.

PM seconded, passed unanimously.

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10) Sidewalk, 558-604 Brookline Avenue, Brookline, C16-101

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

DPW will remove temp pavement and install permanent. Complainant notified board conditions are worse and never did the second step that they were supposed to.

DG motioned to schedule a Complaint Hearing. PM seconded, passed unanimously.

11) Kennedy Middle School, 165 Mill Street, Natick, V18-266

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Reviewed on 8/27 granted two variances. Item 3# aisle in auditorium providing center handrail.

DG motioned to grant. EB seconded, passed unanimously.

12) Dearborn Academy, 575 Washington Street, Newton, V17-268

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Plan for installation for vertical access. The Board previously denied design of inclined lift. The petitioner now wants to provide a LULA, also an incline lift that serves basement and grade level to where the LULA is.

DG motioned to grant. EB seconded, passed unanimously.

13) Curb Cuts & Sidewalks, Lawrence, Lowell, Revere, Swampscott, V18-281

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

PM motioned to packet the case for the next the meeting. EB seconded, Passed unanimously.

14) Steve's Field Playground, 17 ½ Locus Street, Merrimac, V18-280

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

New project already built. Chair of the selectmen wrote a letter in support. Seeking time to provide compliant routes 19.7. Fund raising efforts are underway. They are seeking three years.

DJ motioned to deny. DG seconded, passed unanimously.

15) Residential Rehabilitation Services, 46-48 Kent Avenue, Pittsfield, V18-288

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents

Three story 10 unit apartment house. Converted into residential rehab services. Over 30% Seeking variances from 8.2.1 and 28.1. No study for LULA or compromise study. Common areas on both second and third floors. \$250,000 for an elevator. Only asking for relief for the second and third floor.

PM motioned to continue for more information and a study of a LULA and the potential for

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serving two or more floors and the plan for the basement. EB seconded, passed unanimously.

16) Harbor Hill Complex, 3,4,8 Harbor Hill Rd., 37 Bradford Street, Provincetown, V18-273

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The case was previously presented on 8/24 where the Board considered two variance requests.

Granted for 10.2 routes due to severe grades granted. Continued for 9.4 distribution. Petitioner sent in new plans.

Giving 1 bedroom units. LDA memo says highest demand is 1 bedroom.

DG motioned to grant. PM seconded, passed unanimously.

17) Existing Building, 10 Frederick Street, Framingham, V18-283

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Received an email from Karen Dempsey. Review resulted that in 2017 30% was spent triggering full compliance. Seeking relief for second floor toilet room. Have accessible bathroom on the first floor. Karen Dempsey, Chair of the Framingham Commission sent in a letter. The commission met with the owner regarding the bathrooms. Commission voted to support the variance request on the condition of signage directing people to accessible bathrooms.

DG motioned to grant with the condition of signage directing people to the accessible bathroom.

PM seconded, passed unanimously.

18) Broadstone Bare Cove Hingham, 230 Beal Street, Hingham, V18-292

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The petitioner is seeking relief from sink depth requirements.

EB motioned to grant with the usual conditions. PM Seconded, passed unanimously.

19) Foster Bio-Medical Research Center, 415 South Street, Waltham, V18-290

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Laboratory space. Seeking a two year time variance. Spending \$4.5 million.

DG motioned to packet for next meeting. PM seconded, passed unanimously.

20) 48 Room Hotel, 915 State Road, North Adams, V18-286

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

New construction of hotel. 5, 1 story buildings with basement. 3.2 full compliance.

Seeking relief from 24.3 – ramp not providing 48 inches between the railings. There are issues with handrail detail. Providing 40 inches. The supports from the top railing are flat stock.

6 support posts.

DG motioned to grant on the width, with offsets on both provided doing upper and lower offsets.

EB seconded, Passed unanimously.

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

21) Matheson Property, 37, 45, 49 Wellington Street, 87, 91 Murray Avenue, 720 Main Street, Worcester, V18-261

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The case was packeted for this meeting.

#1 DG motioned to grant as proposed on 9.4.2. PM seconded, passed unanimously.

#2 and #4

PM motioned to continue and require drawings of the shaft and cab.

EB seconded, passed unanimously.

AAB 6 has cab size. 69 wide 43 deep.

#3

10.2 accessible routes. AAB 26,

DG motioned to grant. EB seconded, passed unanimously.

22) Advisory Opinion

- Existing Accessible Parking Layout, Bedford
Carlton Quinn, Allen & Major Associates

They have 8 accessible entrances. Six accessible parking spots. Total 178 parking stalls.

Driven by number of spaces not entrances.

Is slope required to meet with 23 based on 3.3.1a.

If repaving it, it should comply with slope or ask for a variance.

Parking only requires 6 parking based on number of spaces not entrances.

Hearing

1:00 - The Milton Marketplace, 10 Bassett Street, Milton, V17-231

Exhibit #1 – Hearing Package AAB 1-

Exhibit #3 - Cost Estimate

Exhibit #2 Plan of proposed elevator plan

Michael F. Modestino, Attorney

Michael Mignosa, Fruit Center Marketplace

Joe Prondak, Milton Building Commissioner (JP)

The Chair swore the parties in.

JH, EB, PM, DG, DJ

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

JP –When we were made aware of the variance, brought it to the commission meeting. Some people were opposed to this variance. Commission sent letter to the Board. Received notices of actions. I have been to the site and I believe there are other alternatives. One is a lift. Further investigation is required by an architect. They can accommodate with a ramp.

Atty - We met with Mr. Prondak. We went to the store. He showed what he thought could be done. He thought a ramp could be done. Contractor thought ramp would not be to the store. Egress for current customers and store owners. We looked at a lift to get us up the 8 or 10 inches. This is why I asked for continuance. Based on cost estimate there is not a lot of Tenant on second floor has about 50 seats. Lift .In addition, there is an adjoining business that would lose space. Not feasible to do the lift system. Mr. Prondak feels a ramp is not structurally feasible. Possibly get variances for the length and width.

Owner – I didn't realize to ask for variances about..... I didn't know you could ask for variances on widths on ramps. It might change direction on where we go. Additional space on back of building. Will impact space as well. Addition on the second floor.....

JP - Further investigation by an architect would be appropriate.

Atty. – trying to get done by summer but it is past no urgency now can explore what the commissioner is saying.

DG - AAB 46 – the step is it flush with the roof.

DG - are you in agreement on vertical height.

JP - the interior to door is 10 inches. If drop the door it could be flush.

Owner- outside space flush could potentially lead to water issues. We could do a ramp on exterior of the building.

DG - What is below the door?

Owner – the floor is concrete. If we did a lift of some sort.....

EB - Trying to recall AAB 46 that is the other tenant space?

Yes.

DG - how wide is that, wasn't it the issue too?

JH – Tom variances requests in terms of width and length.

TH- In regards to what the commissioner said.....could fill it in.....but is there enough space to turn. From what I am hearing water issues might be a problem. Worth researching.

DG - Do you have an architect?

Owner –

JP - I would be happy to meet with the architect on site.

JH - Expansion of the project.....does it seem reasonable to look at these with a different valuation?

Owner – I think so.....

Cost of the lift is \$25,000 -30,000 fit \$30,000-35,000 and rail system \$18,000.

TH – We require 42 x 60 lift to get to the roof.

Owner – we might impact the tenant.

Atty. – Could decision be suspended?

*DG suspend the previous order until more information comes in.
EB seconded passed unanimously.*

*David motioned to continue for additional exploratory information.
DG seconded, passed unanimously.*

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Hearing 3:00 p.m.

Cathedral of the Holy Cross, 1400 Washington Street, Boston, V18-172

Exhibit #1 – Hearing Package AAB 1-52

Exhibit #2 - Photographs of the exterior of the subject building and updated existing and proposed plans, A100 and A101

John Mitchell, Elkins Manfred Architects (JM)

Louis Loya, (LL)

Kevin O’Leary, Cathedral of the Holy Cross (KO)

Chris Gedrich, Suffolk (CG)

The Chair swore the parties in.

JH, EB, PM, DG, DJ

LL – The process started with the variance request. We had 12 requests, 11 were granted. Here to deal with the last variance. Egress.

JM – Previously we asked for relief for egress. We asked without showing due diligence. We have explored compliance options. Would like to walk you through the current accessible route. We have accessible means of entry. Went through slides. We have accessible entry missing second egress for first, main and basement floor. Area of refuge on the outside of church to the east. Will provide accessible means of egress. On north granite stoop could be turned in to accessible area of refuge. Seeking relief from these two areas of refuge asking to make them interior instead of exterior. Proposing two areas of refuge in the basement. We walked the area with the Boston Fire Department. His input is incorporated.

JM - On main level compliant approach is to add area of refuge on the north side. If pursue interior refuge make it closer to entry??? Gift shop doors. We are restoring doors and want to use gift shop as interior area of refuge.

We will get push back from historic commission.

KO - I have been there for 10 years. It was first a high school I am a board member now.

Incorrect windows were put in and we had a penalty. Trying to keep historical nature.

CG – When we have gone through these, we have always looked at accessibility. The cathedral is scheduled to open April next year. Design will push us into the winter. Outside is delayed until spring and summer. Trying to get accessibility in line with opening of church.

DJ – What is the legal capacity?

JM-1580, 522 in the basement.

DG - Is it open during construction.

KL – Lower church

DG - You presented options. Which ones are you not doing?

JM -

JM - as part of the renovation sprinklers are being added. Seeking relief from exterior refuge proposing interior.

LL – We explored a route from upper level to street level. Cannot provide egress to public way. We determined interior refuge will provide a place to wait.

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

PM - Is there any signage to guide people in case of emergency?

JM - As part of work we are adding exit signs and on church literature. On vestibule doors exit signs and on narthex. Will supplement with literature.

DG - If seating was distributed

JM - Happy to

DJ - Where is the seating?

JM - We incorporate throughout the cathedral. We are cutting down certain pews to allow for a variety of seating.

LL - In original package we included policy. This space is for big events. People will tell people where to go.

WJ - Accessible seating plans are on AAB 32.

JH - The gift shop when do you anticipate ...

JM - If we can get relief we can incorporate interior refuge areas into the April opening.

JH - If I currently want to attend how do I get in.

KO - We have a ramp, elevator up,

JH - Boston fired - can you provide an affidavit about inspection and approval of areas of refuge.

JM - No formal approval.

LL - They don't like to give something specific, they are to say it is safe not compliant.

JH - It would be important

DG - Meeting notes

JM - We have that same approach and will do something similar.

JH - Read 20.1 12.5

JM - We are planning on complying with that provision of the regulation.

DG motioned to grant on the condition that all interior areas as proposed today, are provided and operating as to CO and comply with 20.12.5. EB seconded, passed unanimously.

Minutes from the August 27, 2018 meeting.

Minutes from the August 27, 2018 meeting were tabled to the next meeting.

Hearings

11:00 - Halstead Danvers, 1000 & 2000 Kirkbride Drive, Danvers, C15-139

Exhibit - Hearing Package AAB 1-

Hearing was postponed

2:00 - Barn, 317, 341 Virginia Road, Concord, V18-027

Exhibit #1 - Hearing Package AAB 1-

Hearing was postponed

Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn 5:00 p.m.

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The following cases were tabled to the next meeting:

Three Family, 153 Bowen Street, South Boston, V18-150
Exhibit – Variance Application and associated documents

4 Story Mixed-use, 417-423 West Broadway, Boston, V18-285
Exhibit – Variance Application and associated documents

Santander Bank, 209 Berkeley Street, Boston, V18-291
Exhibit – Variance Application and associated documents

Sidewalk, 150-152 State Street, Boston, V18-264
Exhibit – Variance Application and associated documents

Four Stories, 133 Marlborough Street, Boston, V18-265
Exhibit – Variance Application and associated documents

Massachusetts State Lottery Commission, 150 Mt. Vernon Street, Suites 150 & 300, Boston, V18-272
Exhibit – Variance Application and associated documents

Walando Homes, 25, 31 Orlando Street, 91, 93, 95, 97, 99, 101 Waldeck Street, Boston, V18-277
Exhibit – Variance Application and associated documents

Walkway in front of 855 Northern Side of Boylston, Boston, V18-282
Exhibit – Variance Application and associated documents

Curb Cut Ramp, 343 Congress Street, Boston, V18-284
Exhibit – Variance Application and associated documents

Fort Hill Bar and Grill, 2801-2807 Washington Street, Roxbury, V18-240
Exhibit – Variance Application and associated documents

EXHIBITS

Dollar Tree, 286 Pleasant Street, Worcester, V18-279
Exhibit – Variance Application and associated documents

Steve's Field Playground, 17 ½ Locus Street, Merrimac, V18-280
Exhibit – Variance Application and associated documents

Existing Building, 10 Frederick Street, Framingham, V18-283
Exhibit – Variance Application and associated documents

48 Room Hotel, 915 State Road, North Adams, V18-286
Exhibit – Variance Application and associated documents

Pakachoag Acres Day Care Center, 308 Millbury Avenue, Boston, V18-287
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Residential Rehabilitation Services, 46-48 Kent Avenue, Pittsfield, V18-288
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Foster Bio-Medical Research Center, 415 South Street, Waltham, V18-290
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Broadstone Bare Cove Hingham, 230 Beal Street, Hingham, V18-292
Exhibit – Variance Application and associated documents

Nashua House, 9 David Healy Way, Oak Bluffs, V18-293
Exhibit – Variance Application and associated documents

Apollonia Enterprises, LLC, dba Fuel America, 100 Front Street, Worcester, V18-294
Exhibit – Variance Application and associated documents

Sidewalk, 558-604 Brookline Avenue, Brookline, C16-101
Exhibit – Complaint information and associated documents

Beverly Golf and Tennis Club, 134 McKay Street, Beverly, V11-231
Exhibit – Variance Application and associated documents, amendment

Dearborn Academy, 575 Washington Street, Newton, V17-268
Exhibit – Variance Application and associated documents, amended

Old Reading School House, 52 Sanborn Street, Reading, V18-084
Exhibit – Variance Application and associated documents, handrail information and study

September 10, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Shawsheen Elementary School, 18 Magnolia Avenue, Andover, V18-198
Exhibit – Variance Application and associated documents, information on location of a lift

Matheson Property, 37, 45, 49 Wellington Street, 87, 91 Murray Avenue, 720 Main Street,
Worcester, V18-261
Exhibit – Variance Application and associated documents

Kennedy Middle School, 165 Mill Street, Natick, V18-266
Exhibit – Variance Application and associated documents

Harbor Hill Complex, 3,4,8 Harbor Hill Rd., 37 Bradford Street, Provincetown, V18-273
Exhibit – Variance Application and associated documents

Brattle Hall, 40 Brattle Street, Cambridge, V18-274
Exhibit – Variance Application and associated documents